

Application No.: 09/533,148
Attorney Docket No. 99-313

recited in the claims. See M.P.E.P. § 2143.03 (8th ed. 2001). Second, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to combine the references in a manner resulting in the claimed invention. See M.P.E.P. § 2143.01 (8th ed. 2001). Third, a reasonable expectation of success must exist. See M.P.E.P. § 2143.02 (8th ed. 2001). Moreover, each of these requirements must be found in the prior art, not in applicant's disclosure. See M.P.E.P. § 2143 (8th ed. 2001).

Claim 1 recites a "method for analyzing a data network having a plurality of routers" comprising, among other things, "accessing at least one of static routing information and route summarization information, determining if a particular network prefix is included in the accessed information, and determining an identity of a network device based on an identity included in the accessed information corresponding to the network prefix." Feldmann and Kracht do not disclose or suggest at least these elements of claim 1.

By contrast, the Feldmann system provides a network-wide view of topology and configuration information in a packet-switched network. Feldmann discloses an abstract data model that comprises information relating to connectivity, addressing, and routing in the network. This data model is populated from various network information sources including router configuration files.

Feldmann does not disclose at least "determining an identity of a network device based on an identity included in the accessed information corresponding to the network prefix," as recited in claim 1.

Application No.: 09/533,148
Attorney Docket No. 99-313

Feldmann discloses that each link in its system may be identified by an IP prefix, and that each participating interface has a unique IP address with the prefix. Paragraph 0030 also discloses that addresses, such as 10.34.45.76 and 10.34.56.79 are reserved for a network address and a broadcast address, respectively. Further, these addresses can be used to identify the two ends of a bi-directional, point-to-point link. In sum, paragraph 0030 thus discloses that neighboring routers may exchange traffic over links, and that each link may be identified by an IP prefix. Feldmann also discloses that each of its static-route objects concern a particular prefix that is associated with a set of interfaces. In addition, the configuration of a static route ensures that the router knows to direct packages destined to the prefix to the appropriate next-hop interface. See paragraph 0034.

Such disclosures, however, do not constitute a teaching or suggestion of “accessing at least one of static routing information and route summarization information” or “determining an identity of a network device based on an identity included in the accessed information corresponding to the network prefix,” as recited in claim 1. Furthermore, the Examiner admits in the Office Action that Feldmann does not “explicitly show determining an identity of a network device.” See Office Action, page 4. However, the Examiner then alleges Kracht makes up for the deficiencies of Feldmann. Applicant respectfully disagrees.

The Kracht system determines a set of network addresses for identifying devices within a network. Layer 2 and Layer 3 configuration information is gathered from the group of devices to identify possible neighboring devices within the network. See Abstract. In particular, a discovery mechanism is used to divide a set of addresses into

Application No.: 09/533,148
Attorney Docket No. 99-313

multiple subsets, and each subset is assigned to a particular thread or process. To identify a device type, the Kracht system performs an identification process when a thread identifies an address as potentially associated with a device. To determine the type of device, the thread attempts to contact the SNMP agent at the identified address to request the agent to return certain identification information to the thread. See Kracht, col. 7, lines 3-10 and lines 27-35. As a result, Kracht requires a thread to contact an agent to return requested identification information to identify a network device.

However, Kracht does not disclose or suggest at least "accessing at least one of static routing information and route summarization information, determining if a particular network prefix is included in the accessed information, and determining an identity of a network device based on an identity included in the accessed information corresponding to the network prefix," as recited in claim 1(emphasis added). Accordingly, Feldmann and Kracht, whether taken alone or in combination, do not disclose or suggest claim 1.

Furthermore, the Examiner appears to allege that a motivation for combining the references exists because " a person of ordinary skill in the art would have readily recognized the desirability and the advantage of modifying Feldman by employing the system of Kracht so that a network administrator can accurately identify a particular type of devices that are included in a network based on Layer 3 information." See Office Action, page 5. However, even if the Examiner's characterization were correct, which Applicant does not concede, such a motivation is not relevant to the claim at issue. That is, the Examiner alleges that Kracht allows a network administrator to identify

Application No.: 09/533,148
Attorney Docket No. 99-313

devices based on Layer 3 information. However, Applicant's claim 1 recites "determining an identity of a network device based on an identity included in the accessed information corresponding to the network prefix."

Applicant respectfully points out to the Examiner it "is impermissible within the framework of section 103 to pick and choose from any one reference only so much of it as will support a given position, to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one of ordinary skill in the art." See In re Wesslau, 147 U.S.P.Q. 391 (C.C.P.A. 1965). See also M.P.E.P. § 2141.02, p. 2100-120. Accordingly, the Examiner has not provided a motivation for combining the references, nor has the Examiner demonstrated an expectation of success for combining Feldmann with Kracht. For at least these additional reasons, the Examiner should withdraw the rejection of claim 1.

Independent claims 7, 8, and 14, while of a different scope, include similar recitations to that of claim 1. Applicant respectfully submits that independent claims 7, 8, and 14 are allowable over Feldmann for at least the reasons discussed above in relation to claim 1. Applicant further submits that claims 2-6, 9-13, and 15-19, which respectively depend from independent claims 1, 8, and 14, are allowable at least due to their dependence from their corresponding allowable independent claims.

Claim 20 recites a "method for determining an identity of a network device, the network device being associated with a network prefix," including, among other things, "determining whether one or more of the accessed tables contains the network prefix," and "determining an identity of the network device using the accessed tables when at

Application No.: 09/533,148
Attorney Docket No. 99-313

least one of the accessed tables is determined to contain the network prefix." Feldmann and Kracht do not disclose or suggest at least these features.

As discussed above, the Kracht system uses a thread to contact an agent to return requested identification information to identify a network device. That, however, does not constitute at least "determining an identity of the network device using the accessed tables when at least one of the accessed tables is determined to contain the network prefix," as recited in claim 20. Furthermore, the Examiner applies the same rationale for combining Feldmann with Kracht as applied to claim 1. Applicant disagrees with the Examiner's motivation to combine for at least the same reasons discussed above. Accordingly, Feldmann and Kracht do not disclose or suggest claim 20.

Applicant respectfully submits that independent claims 22 and 24, which include similar recitations to those of claim 20, are allowable over Feldmann and Kracht for at least the reasons discussed above. Applicant further respectfully submits that claims 21, 23, and 25, which depend from independent claims 20, 22, and 24 are allowable at least due to their dependencies. Accordingly, the Examiner should withdraw the rejection of claims 20-25.

Application No.: 09/533,148
Attorney Docket No. 99-313

CONCLUSION

In view of the foregoing remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 07-2347.

Respectfully submitted,

Dated:

By: 

Joel Wall
Reg. No. 25,648

Verizon Corporate Services Group Inc.
600 Hidden Ridge Drive
mail Code: HQEO3H14
Irving, Texas 75038
Telephone: 972-718-4800

CUSTOMER NO. 32127